UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

| GARY S. VALENTINE, |) | | |
|---------------------------|---|------|--|
| Petitioner, |) | | |
| v. |) | Nos. | 3:14-CR-2-RLJ-CCS-2 3:15-CV-376-RLJ |
| UNITED STATES OF AMERICA, |) | | 3.13 6 7 376 123 |
| Respondent. |) | | |

JUDGMENT

For the reasons expressed in the accompanying memorandum and order filed herewith, it is **ORDERED** and **ADJUDGED** that the motion [Doc. 973] by prisoner Gary S. Valentine. for post-conviction relief pursuant to 28 U.S.C. § 2255 is **DENIED** and **DISMISSED** WITH **PREJUDICE**.

If Petitioner files a notice of appeal from this judgment, such notice of appeal will be treated as an application for a certificate of appealability which is **DENIED** pursuant to 28 U.S.C. § 2253(c)(2) and Fed. R. App. P. 22(b) because he has failed to make a substantial showing of the denial of a federal constitutional right. The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24 that any appeal from this judgment by Petitioner would be frivolous and not taken in good faith.

IT IS SO ORDERED.

ENTER:

UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/Debra C. Poplin

CLERK OF COURT